

considered equally with all other management objectives.

3. Provide for reimbursement of reasonable costs incurred by the United States in considering right-of-way requests. The BLM currently charges no fees for processing right-of-way applications under this subpart.

4. Remove the restriction on granting permits to noncitizens since this restriction is no longer required under FLPMA.

5. Permit the collection of additional information that the Secretary deems necessary to determine whether a right-of-way should be granted, issued, or renewed, and what terms and conditions should be included in the right-of-way.

6. Remove the provision allowing construction in advance of the issuance of a permit, because there is no authority for it in Title V of FLPMA.

7. Allow either party to record legal instruments. As a practical matter, BLM rather than the applicant often records these instruments, and the regulation should be amended to authorize this practice.

8. Provide regulatory authority for the BLM to object to the location of a road right-of-way across public lands because of potential effects on species listed as threatened or endangered under the Endangered Species Act.

9. Add terms and conditions including environmental protection provisions and measures to protect cultural sites and objects. Include a reservation of the right of the government to permit compatible use of the right-of-way by others.

10. Add an abandonment provision providing that failure to use the right-of-way for a continuous 5-year period will be treated as abandonment. This presumption of abandonment would be rebuttable by the holder.

11. Establish terms and conditions whereby the government can exercise the rights received from a permittee for use by properly licensed hunters and fishermen and by other recreationalists to reach United States lands.

The public is invited to raise any additional issues or concerns related to the proposed rulemaking, including any other factors that should be considered in its development. BLM is particularly interested in ideas about how to reorganize, simplify, and clarify the existing regulations.

In accordance with the Paperwork Reduction Act of 1995, BLM is required to provide notice in the Federal Register concerning a proposed collection of information. The purpose of the notice is to solicit comments on whether the collection of information is necessary,

the accuracy of BLM's estimate of the burden imposed by the collection, ways to enhance the quality and usefulness of the information, and ways to minimize the burden. Elsewhere in this issue of the Federal Register, BLM is publishing a notice concerning the form used by applicants for right-of-way permits.

The principal author of this advance notice of proposed rulemaking is John Styduhar, Oregon State Office, assisted by Pat Boyd, Regulatory Management Team, Washington Office.

Dated: November 13, 1995.

Annetta Cheek,

Regulatory Management Team.

[FR Doc. 95-28294 Filed 11-15-95; 8:45 am]

BILLING CODE 4310-84-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[Docket No. 95-28; Notice 4]

RIN 2127-AF73

### Lamps, Reflective Devices and Associated Equipment; November Advisory Committee Public Meeting

**AGENCY:** National Highway Traffic Safety Administration (NHTSA); DOT.

**ACTION:** Notice; change of location of November Advisory Committee Meeting.

**SUMMARY:** This notice announces a change in the dates and location of the November meeting of NHTSA's Advisory Committee on Regulatory Negotiation (concerning the improvement of headlamp aimability performance and visual/optical headlamp aiming).

**DATES:** Tuesday-Thursday, November 28-30.

**ADDRESSES:** The November meetings of the Advisory Committee will be held at Maryland State Highway Administration, 7491 Connelly Drive, Hanover, Maryland 21076.

**FOR FURTHER INFORMATION CONTACT:** Jere Medlin, Office of Vehicle Safety Standards, NHTSA (Phone: 202-366-5276; FAX: 202-366-4329). *Mediator:* Lynn Sylvester, Federal Mediation and Conciliation Service (phone: 202-606-9140; FAX: 202-606-3679).

**SUPPLEMENTARY INFORMATION:** In Notice 3 of Docket No. 95-28, the National Highway Traffic Safety Administration (NHTSA) announced that the November meetings of the Advisory Committee for the purposes of negotiating the contents

of the preamble and a proposed amendment to 49 CFR 571.108 Motor Vehicle Safety Standard No. 108 *Lamps, Reflective Devices, and Associated Equipment* to develop recommended specifications for adding a visual/optical aimability requirement for the lower beam headlamp, would be held on Tuesday/Wednesday November 28/29 beginning at 9:00 a.m. in room 2230 of the Nassif Building, 400 Seventh Street, SW., Washington, DC (60 FR 42496).

The Committee has decided to hold a third day of meetings, on Thursday, November 30, and to conduct all its November meetings at the offices of the Maryland State Highway Administration, 7491 Connelly Drive, Hanover, Md. This action is taken to facilitate a nighttime demonstration of headlamp aiming and visibility of overhead signs. The meeting on Tuesday, November 28 will begin at 12:30 p.m. The meeting on Wednesday, November 29 will begin at 10:00 a.m. The meeting on Thursday, November 30, will begin at 9:00 a.m.

The meetings are open to the public, except for the nighttime demonstration of headlamp aiming and visibility of overhead signs. For logistical reasons, this must be restricted to the Committee, and to State Highway Administration personnel involved in the demonstration.

As announced previously, the Committee will review the tentative schedule for meetings for January, February, and March 1996, at its November meeting, and a further notice will be published if there is any change in this schedule.

Issued: November 9, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 95-28296 Filed 11-15-95; 8:45 am]

BILLING CODE 4910-59-P

#### 49 CFR Part 571

[Docket No. 95-88, Notice 01]

RIN 2127-AG02

### Federal Motor Vehicle Safety Standards; Brake Hoses; Whip Resistance Test

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** As the result of an inquiry from Earl's Performance Products, this document proposes to amend Standard

No. 106, *Brake Hoses*, by revising the whip resistance test. Under the proposal, it would be permissible, for the purpose of the test, to mount such brake hose assemblies using a supplemental support. This proposal would serve to amend a provision that has the unintended consequence of prohibiting the manufacture and sale for use on the public roads of a type of brake hose that has significant safety advantages.

**DATES:** *Comments.* Comments must be received on or before January 16, 1996.

**ADDRESSES:** Comments should refer to the docket and notice numbers above and be submitted to: Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Docket hours are 9:30 a.m. to 4 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** *For non-legal issues:* Mr. Richard Carter, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. (202-366-5274).

*For legal issues:* Mr. Marvin L. Shaw, NCC-20, Rulemaking Division, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-366-2992).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Standard No. 106, *Brake Hoses*, specifies labeling and performance requirements for motor vehicle brake hose, brake hose assemblies, and brake hose end fittings. The Standard includes several requirements, including one for whip resistance. Section S5.3.3, *Whip resistance*, specifies that "A hydraulic brake hose assembly shall not rupture when run continuously on a flexing machine for 35 hours." The purpose of the whip resistance requirement is to replicate the bending cycles that a brake hose experiences when mounted on a vehicle's front axle. The flexing machine simulates the turning of the front wheels combined with the jounce and rebound of the wheel on rough roads.

Section S6.3 specifies the test conditions for the whip resistance test, including the testing apparatus, test preparation, and test operation. The standard specifies that the testing apparatus is required to be equipped with capped end fittings that permit mounting at each end point. The present specifications requirements for the whip test apparatus are patterned after an existing Society of Automotive

Engineers (SAE's) Recommended Practice, J1401, *Hydraulic Brake Hose Assemblies for Use with Nonpetroleum Based Hydraulic Fluids* (June 1990).

##### II. Request for Interpretation and NHTSA's Response

On December 8, 1994, Earl's Performance Products (Earl's) contacted the agency requesting an interpretation of the whip resistance requirements in Standard No. 106. Specifically, that company asked about the permissibility of using an alternative whip resistance test apparatus for testing hydraulic brake hose. Earl's is seeking permission to use the alternative fixture because it wishes to begin selling its armored brake hose for use on the public roads and its hose will not pass the present whip resistance test. The test fixture would provide a pivoted supplemental hose support for use with Earl's brake hose, which is armored with braided stainless steel. The alternative test fixture is based on the manner in which its brake hose is currently mounted on racing vehicles and in which it would be mounted on vehicles used on the public roads if the agency adopts the amendment requested by Earl's. The Standard specifies that the test sample be "mounted through bearings at each end \* \* \*" (S6.3.1(a)) Earl's armored brake hoses are installed differently than conventional hoses, since Earl's hoses, unlike conventional hoses, are attached to the vehicle frame.

Earl's has manufactured its armored brake hose for use in off-road, high performance race cars since the 1960s. It claimed that its product is of very high quality and easily meets all of the requirements in Standard No. 106, except the whip resistance test. Its product fails the whip resistance test due to cyclic stress at the interface between the hose and the swaged collar at the fixed end of the hose assembly. Such cyclic stress occurs in the real world also, but does not pose a problem in that environment because the hose is protected by the supplemental support.

Earl's further indicated that it had successfully tested hose assemblies from 9 inches to 24 inches using its new test fixture. In describing its test fixture, that company stated that

\* \* \* the whip dampener consists of a spherical bearing enclosed in a machined housing. The housing clips into the OEM bracket where the OEM hard brake tubing joins to the flexible brake hose. The flexible brake hose of stainless armored teflon is inserted through the bearing on assembly and cannot be removed. Suitable threaded couplings \* \* \* are provided at each end of the assembly to match the OEM threads at the end of the hard lines and at the caliper of the wheel cylinder \* \* \*

On April 24, 1995, NHTSA responded to Earl's request for an interpretation, by stating that

Section S6.3 cannot be interpreted to permit mounting the brake hose at the "whip dampener." S6.3.1 *Apparatus* specifies a test apparatus that mounts the brake hose at "capped end fittings" on one end and "open end fittings" on the other, and specifies no mounting points in between. Thus a test apparatus that mounts the brake hose at a "whip dampener," which is not an end fitting would not meet Standard No. 106.

The agency then stated that it would initiate rulemaking to further consider whether to amend the whip resistance test to permit a supplemental support.

##### III. Agency Proposal

After reviewing the issues raised in the letter from Earl's, NHTSA has decided to propose amending the whip resistance test of Standard No. 106. Under this proposal, section S6.3.2 would be amended to permit a pivoted supplemental support, thereby providing an optional way to mount certain brake hose assemblies during the test. Without such an amendment, those armored hoses would remain prohibited because they cannot comply with the current whip resistant test. The proposed amendment is intended to allow the mounting of Earl's brake hose assembly in the same way that it is mounted in the real world. The proposal applies to those brake hose assemblies that are fitted with a supplemental support which cannot be removed from the hose without destroying the hose. The supplemental support would be placed so that it is spaced in accordance with the recommendation of the brake hose assembly manufacturer. The agency invites comments about the appropriateness of the proposed modification to the whip resistance test.

NHTSA believes that the provision it proposes to amend has the unintended consequence of prohibiting the manufacture and sale for use on the public roads of a type of brake hose that has significant safety advantages. Among the safety advantages are the elimination of hose swell under pressure which results in a significant reduction in brake pedal travel and a much firmer brake pedal feel. The firmer pedal allows the driver to modulate braking force more precisely. These safety advantages are relevant in "typical road environments." The agency notes that armored brake hoses are designed to withstand operating conditions, such as those experienced in racing environments, that are significantly more severe than those experienced in typical road environments. Brake hoses of this type

are of higher quality and more expensive than those typically installed for use on the public roads.

#### Leadtime

The statute requires that each order shall take effect no sooner than 180 days from the date the order is issued unless good cause is shown that an earlier effective date is in the public interest. 49 U.S.C. 30111(d) NHTSA has tentatively concluded that there would be good cause not to provide the 180 day lead time given that this amendment would have no adverse effect on manufacturers. The proposal merely specifies an alternative method of testing certain brake hoses. Based on the above, the agency has tentatively concluded that there is good cause for an effective date 30 days after publication of the final rule. NHTSA requests comments about whether a 30 day effective date is appropriate or whether more leadtime is necessary.

#### Rulemaking Analyses and Notices

##### 1. Executive Order 12866 (Federal Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

This proposal was not reviewed under E.O. 12866. NHTSA has analyzed this proposal and determined that it is not "significant" within the meaning of the Department of Transportation's regulatory policies and procedures. A full regulatory evaluation is not required because the rule, if adopted, would have no mandatory effects. Instead, the proposed rule would permit the use of brake hoses which are designed to be installed using a supplemental support, such as those manufactured by the petitioner that are armored with braided stainless steel. Therefore, this rulemaking would not have any cost impacts.

##### 2. Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, NHTSA has evaluated the effects of this action on small entities. Based upon this evaluation, I certify that the proposed amendment would not have a significant economic impact on a substantial number of small entities. Vehicle and brake hose manufacturers typically would not qualify as small entities. Further, as noted above, the proposal would have minimal, if any impacts on costs or benefits. Accordingly, no regulatory flexibility analysis has been prepared.

##### 3. Executive Order 12612 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that

the proposed rule would not have sufficient Federalism implications to warrant preparation of a Federalism Assessment. No State laws would be affected.

##### 4. National Environmental Policy Act

Finally, the agency has considered the environmental implications of this proposed rule in accordance with the National Environmental Policy Act of 1969 and determined that the proposed rule would not significantly affect the human environment.

##### 5. Civil Justice Reform

This proposed rule would not have any retroactive effect. Under section 103(d) of the National Traffic and Motor Vehicle Safety Act (49 U.S.C. 30111), whenever a Federal motor vehicle safety standard is in effect, a state may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard. Section 105 of the Act (49 U.S.C. 30161) sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

#### Public Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR Part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be

available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

#### List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, the agency proposes to amend Standard No. 106, *Brake Hoses*, in Title 49 of the Code of Federal Regulations at Part 571 as follows:

#### PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for Part 571 would continue to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

2. § 571.121 would be amended by adding S6.3.2(d), which would read as follows:

##### § 571.121 Standard No. 106; Brake Hoses.

\* \* \* \* \*

S6.3.2 \* \* \*

(d) For a brake hose assembly fitted with a supplemental support which cannot be removed from the hose without destroying the hose, the brake hose assembly may be mounted using a supplemental support. Mount the supplemental support in the same vertical and horizontal planes as the stationary header end of the whip test fixture described in S6.3.1(b). Place the supplemental support so that it is spaced in accordance with the recommendation of the brake hose assembly manufacturer for mounting the hose assembly on a vehicle.

\* \* \* \* \*

Issued on: November 13, 1995.

Barry Felrice,

Associate Administrator for Safety  
Performance Standards.

[FR Doc. 95-28357 Filed 11-15-95; 8:45 am]

BILLING CODE 4910-59-P

## 49 CFR Part 571

[Docket No. 95-79; Notice 1]

RIN 2127-AG01

### Federal Motor Vehicle Safety Standards; Steering Control Rearward Displacement

**AGENCY:** National Highway Traffic  
Safety Administration (NHTSA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document proposes to exclude certain vehicles from the application of the agency's standard on steering control rearward displacement. The excluded vehicles would be passenger cars and other light vehicles that are certified to comply with the frontal barrier crash test requirements of the agency's occupant crash protection standard by means of an air bag. The agency believes that the engineering considerations that go into designing a vehicle with air bags would ensure that the vehicle would have the same performance for steering control rearward displacement as is currently required by regulation.

**DATES:** *Comment Date:* Comments must be received by January 16, 1996.

**ADDRESSES:** Comments should refer to the docket and notice number of this notice and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. (Docket Room hours are 9:30 a.m.-4 p.m., Monday through Friday.)

**FOR FURTHER INFORMATION CONTACT:** Mr. Clarke B. Harper, Office of Vehicle Safety Standards, NPS-12, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. Telephone: (202) 366-2264. Fax: (202) 366-4329. For legal issues: Mr. Edward Glancy, Office of Chief Counsel, NCC-20, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. Telephone: (202) 366-2992.

**SUPPLEMENTARY INFORMATION:** Pursuant to the March 4, 1995 directive, "Regulatory Reinvention Initiative," from the President to the heads of departments and agencies, NHTSA has undertaken a review of all its regulations and directives. During the course of this review, the agency

identified several regulations that are potential candidates for rescission or amendment. One of these regulations is Standard No. 204, *Steering Control Rearward Displacement*, which may be redundant for certain vehicles, given the actions which are separately required to be taken to comply with Standard No. 208, *Occupant Crash Protection*.

Standard No. 204 specifies requirements that limit the rearward motion of the steering column in a frontal crash. The standard specifies that the upper end of the steering column and shaft may not be displaced horizontally rearward more than 5 inches in a 30-mile-per-hour frontal barrier crash test. The standard applies to passenger cars and other light vehicles.

Standard No. 204 is one of the agency's original safety standards. In conjunction with Standard No. 203, *Impact Protection For The Driver From The Steering Control System*, the standard is intended to reduce the likelihood of chest, neck or head injuries in frontal impact accidents.

In 1975, NHTSA amended Standard No. 203 to exclude from its requirements vehicles that complied with the frontal barrier crash test requirements (S5.1) of Standard No. 208 by means other than safety belts, i.e., by air bags. 40 FR 17992, April 24, 1975. NHTSA stated at that time that redundant occupant crash protection offered by certain standards is justified for those situations where the primary occupant crash protection system fails or multiple collisions occur. However, NHTSA determined that the redundant protection of Standard No. 203 was not justified where it directly interfered with the development of a more advanced, convenient and effective occupant protection system, such as air bags.

In 1988, NHTSA denied a petition for rulemaking from Mitsubishi which requested that the agency amend Standard No. 204 to exclude vehicles that comply with the frontal barrier crash test requirements of Standard No. 208 by means other than safety belts. 53 FR 780, January 13, 1988. The agency stated:

The agency does not agree that the protection provided by Standard No. 204 is unnecessary for vehicles equipped with air bags. The standard essentially requires hardware to disconnect steering gear movement from the steering column under crash conditions. The standard provides protection to the driver of an air bag equipped vehicle against chest, neck or head injuries which could occur in frontal collisions at speeds below the deployment level of the vehicle's air bag, or in angular

impacts where an air bag might not be as likely to deploy. NHTSA further believes that, in the absence of Standard No. 204, it is possible for a steering assembly to displace more than five inches in a situation where the injury criteria of Standard No. 208 were met. Thus, although the driver's impact with the assembly fell within the injury criteria of the latter standard, the rearward motion of the assembly might entrap the driver or make escape from the vehicle more difficult.

In the context of reviewing whether any of its requirements are no longer necessary, NHTSA believes it is appropriate to reconsider the position it took in denying the Mitsubishi petition. In particular, the agency believes that it should distinguish between whether it is possible for a steering assembly to displace more than five inches in a situation where an air-bag-equipped vehicle meets the injury criteria of Standard No. 208, and whether there is any reasonable likelihood of such an event.

NHTSA believes that one of the most fundamental engineering considerations that manufacturers take into account in designing an air-bag-equipped vehicle is to provide a secure platform for the air bag. This is because, in order to design an effective air bag, the designer must know the relative location of the air bag and the protected occupant. If the air bag platform were moving up or down, or backwards or forward during a crash, it could adversely affect performance. Since the driver air bag is located on the steering column, NHTSA believes that the engineering consideration of ensuring that the air bag platform remains secure will lead manufacturers to take steps that will also ensure that Standard No. 204's specified performance for steering control rearward displacement is satisfied, even in the absence of such standard.

NHTSA also believes that another important engineering consideration that manufacturers take into account in designing air-bag equipped vehicles is ensuring that the air bags are not too close to the vehicle occupants. This is an important consideration because a deploying air bag can injure a person who is sitting too close to the air bag.

The agency notes that the Motor Vehicle Manufacturers Association (now called the American Automobile Manufacturers Association) was sufficiently concerned about the issue of proper spacing between vehicle occupants and air bags to petition NHTSA to require a vehicle label that would, among other things, caution passengers not to sit unnecessarily close to the point from which the air bag will be deployed. As a result of this petition, the agency amended Standard No. 208